

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEITH COFFIN, on behalf of himself
and others similarly situated,

Plaintiffs,

v.

BLESSEY MARINE SERVICES, INC.,

Defendant.

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CIVIL ACTION NO. 4:11-214

ORDER

On January 22, 2013, this Court entered a Memorandum and Order [Doc. # 134] construing the “seaman” exemption under the Fair Labor Standards Act and denying summary judgment to Defendant Blessey Marine Services, Inc. Defendant now has filed a Consent Motion for Certification of Order as Immediately Appealable under 28 U.S.C. § 1292(b) and Request for Stay of Proceedings [Doc. # 138]. Defendant states that Plaintiffs agree that an immediate appeal of the Memorandum and Order will most likely lead to a more efficient resolution to this litigation. *See* Doc. # 138, at 1 n.1. This representation is consistent with statements made by Plaintiffs’ counsel at the status conference on January 24, 2013.


The ruling in the Memorandum and Order involves a controlling question of

law as to which there is substantial ground for difference of opinion. Additionally, an immediate appeal from the ruling is likely to materially advance the ultimate termination of the litigation. Therefore, pursuant to 28 U.S.C. § 1292(b), it is hereby

ORDERED that Defendant's Consent Motion for Certification of Order as Immediately Appealable under 28 U.S.C. § 1292(b) and Request for Stay of Proceedings [Doc. # 138] is **GRANTED**. It is further

ORDERED that this case is **ADMINISTRATIVELY CLOSED** pending the conclusion of any interlocutory appeal. Counsel are directed to file a written status report on **May 31, 2013**, and every 120 days thereafter until such time as the interlocutory appeal is concluded. At that time, counsel shall file a written motion to reinstate this case on the Court's active docket.

SIGNED at Houston, Texas, this 31st day of **January, 2013**.



Nancy F. Atlas
United States District Judge